

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

AMBIANCE GR,

Plaintiff,

v

Civil Action No. 1:23-cv-1335

Hon. _____

CITY OF GRAND RAPIDS,
GRAND RAPIDS POLICE
DEPARTMENT¹, GRAND RAPIDS
POLICE OFFICERS²,

Defendants.

Tyrone Bynum (P82427)
Attorney for Plaintiff
Law Offices of Tyrone Bynum PLLC
7125 Hearley Street, Suite 433
Ada, MI 49301
Ph: (616) 608-7409
tyrone@lawofficesoftyronebynumpllc.com

Elizabeth J. Fossel (P41430)
Sarah J. Hartman (P71458)
Megan E. Luptowski (P84826)
Attorneys for City of Grand Rapids
City of Grand Rapids Law Department
300 Monroe Ave. NW, Ste. 620
Grand Rapids, MI 49503
Ph: (616) 456-1318
efossel@grand-rapids.mi.us
shartman@grand-rapids.mi.us
mluptowski@grand-rapids.mi.us

DEFENDANTS' NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. §1446(b)

TO: Court Clerk
U.S. District Court for the Western District of Michigan, Southern Division

Tyrone Bynum, Counsel for Plaintiff
Law Offices of Tyrone Bynum PLLC
7125 Hearley Street, Suite 433
Ada, MI 49301

¹ The City of Grand Rapids denies that the Grand Rapids Police Department is an appropriate party Defendant, as it is a department within the City of Grand Rapids and is not a separate legal entity which can be sued in its own right.

² Defendant(s) "Grand Rapids Police Officers" are not identified as any named individual, nor has any individual officer been served. The sole summons identifying the Defendants as "City of Grand Rapids," Grand Rapids Police Department," and "Unknown Grand Rapids Police Officers" was hand-delivered to the City Attorney's office on December 20, 2023 by Attorney for Plaintiff, Tyrone Bynum.

PLEASE TAKE NOTICE that Defendant, THE CITY OF GRAND RAPIDS, by and through its counsel, hereby removes the matter entitled *Ambiance GR v. City of Grand Rapids, et al.*, Circuit Court Case No. 23-12510-CZ, currently pending in the 17th Circuit Court for the County of Kent, State of Michigan, to the United States District Court for the Western District of Michigan, Southern Division. The bases for removal are set forth below:

STATEMENT OF GROUNDS FOR REMOVAL

1. On or about December 20, 2023, an action was commenced in the 17th Circuit Court for the County of Kent, State of Michigan, bearing Case No. 23-12510-CZ.
2. Defendant the City of Grand Rapids was served on December 20, 2023 when counsel for the Plaintiff hand delivered a copy of the Summons and Complaint to the City Attorney's office.
3. A copy of the Summons and Complaint, with Proof of Service, which constitute all process and pleadings received from Plaintiff in this action, and of which the City of Grand Rapids has notice, are attached as **Exhibit A**.
4. This notice of removal is being filed within 30 days after receiving notice of the complaint by service or otherwise as required by 28 U.S.C. §1446(b).
5. This Court has jurisdiction over this case based on federal question jurisdiction pursuant to 28 U.S.C. §1331 and supplemental jurisdiction pursuant to 28 U.S.C. §1337, as the state law claims are so related to the claims in the action within original jurisdiction of this Court as to form part of the same case or controversy.
6. Pursuant to 28 U.S.C. §1441(a), the United States District Court for the Western District of Michigan is the federal district court embracing the place where the state court suit is pending.

PLAINTIFF'S FEDERAL CLAIMS

7. Plaintiff alleges that it suffered damages because of Defendants' alleged violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. (See, *Compl.* at ¶¶6, 23, and 26.)
8. Specifically, Plaintiff alleges that Defendants did not provide an increased police presence outside of its business during closing hours to address safety concerns, as was requested by Plaintiff, despite doing so for other White-owned businesses, and that this failure was based on race in violation of the Equal Protection Clause.

THE OTHER REMOVAL PREREQUISITES HAVE BEEN SATISFIED

9. All Defendants, which have been identified by name and therefore could be served, have consented to this removal, to wit: the City of Grand Rapids. The City's police department, although named separately as Defendant "Grand Rapids Police Department" is not a separate legal entity that can be sued. The Plaintiff has also included unidentified police officers, who have not been yet identified by name, issued a Summons, or served.
10. No Defendant has sought similar relief with respect to this matter.
11. The prerequisites for removal under 28 U.S.C. §1441 have been met.
12. Written notice of the filing of this notice of removal will be given to the adverse parties as required by law.
13. The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Western District of Michigan.

WHEREFORE, Defendant THE CITY OF GRAND RAPIDS files this notice of removal and removes this civil action to the United States District Court for the Western District of

Michigan. Plaintiff is notified to proceed no further in state court unless or until the case should be remanded by order of said United States District Court.

Respectfully submitted,

THE CITY OF GRAND RAPIDS,

Dated: December 21, 2023

/s/ Sarah J. Hartman

Sarah J. Hartman (P71458)

Attorney for the City of Grand Rapids

300 Monroe Ave. NW, Ste. 620

Grand Rapids, MI 49503

Ph: (616) 456-3802

shartman@grand-rapids.mi.us